

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEFFREY T. TIERNEY,

Plaintiff,

V.

AGA MEDICAL CORPORATION, a
Minnesota Corporation,

Defendant.

4:11CV3098

MEMORANDUM AND ORDER

The above-captioned action has been randomly assigned to the undersigned magistrate judge for final disposition, and a motion to dismiss is now pending. The motion to dismiss cannot be ruled on by the assigned magistrate judge unless both parties consent to final disposition by a magistrate judge. If the parties do not so consent, the case will be reassigned to a district judge.

Accordingly,

IT IS ORDERED that to avoid any delay in ruling on this case,

- 1) If the parties consent to final disposition of the case by the undersigned magistrate judge, on or before **September 8**, 2011 they shall complete the attached “CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.” After all parties have signed this form, e-mail it in .pdf format to consent@ned.uscourts.gov. Do not electronically file this form or submit it to chambers.
- 2) In the absence of timely submitting the attached form in accordance with paragraph (1), the case will be reassigned to a district judge.

August 9, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

IMPORTANT NOTICE: AFTER ALL PARTIES HAVE SIGNED THIS FORM, E-MAIL IT IN .PDF TO consent@ned.uscourts.gov. IF PLAINTIFF IS PRO SE, MAIL TO THE CLERK'S OFFICE AT 111 South 18th Plaza, Suite 1152, Omaha, NE 68102. DO NOT ELECTRONICALLY FILE THIS FORM OR SUBMIT IT TO CHAMBERS.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

,)	Case Number:
)	
Plaintiff,)	CONSENT TO EXERCISE OF JURISDICTION
v.)	BY A UNITED STATES MAGISTRATE JUDGE
)	
)	
Defendant.)	

CONSENT TO EXERCISE OF JURISDICTION BY UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case hereby voluntarily consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment. Any appeal shall be taken to the United States Court of Appeals for the Eighth Circuit.

<u>Signature of Attorney or Party</u>	<u>Name of Party</u>	<u>Date</u>
_____	For _____	_____
_____	For _____	_____
_____	For _____	_____
_____	For _____	_____

DISTRICT JUDGE OPTION

Pursuant to 28 U.S.C. § 636(c)(2) and Fed. R. Civ. P. 73, the parties in this case hereby acknowledge the availability of a United States Magistrate Judge but elect to have this case randomly assigned to a United States District Judge.

<u>Signature of Attorney or Party</u>	<u>Name of Party</u>	<u>Date</u>
_____	For _____	_____
_____	For _____	_____
_____	For _____	_____